

# **PLANNING BOARD MINUTES**

**September 10, 2008**

**Board members present:**

**Art Weber, Chairman   Ron Wolanski, Town Planner**

**Jan Eckhart, Vice Chairman   Frank Holbrook, Town Solicitor**

**Audrey Rearick, Secretary**

**Richard Adams**

**Frank Forgue**

**Gladys Lavine**

**Betty Jane Owen**

**The meeting was called to order at 6:30 pm.**

**Minutes:**

**Motion by Ms. Owen, seconded by Ms. Rearick, to approve the minutes of the August 13, 2008 regular meeting. Vote: 7-0-0.**

**Old Business**

**1. William J. & Elizabeth Gill, Proposed 2-lot minor subdivision, 1669 West Main Rd., Assessor's Plat 111, Lot 13 - FINAL PLAN**

**Attorney David Martland, representing the applicant, stated that the zoning relief needed to allow for the subdivision had been granted by the Zoning Board of Review. His client had yet to provide the revised subdivision plan to address the conditions of the preliminary review.**

**Mr. Wolanski stated that, in addition to the conditions imposed on the**

**preliminary plan approval, the Board should also add a condition to require that the applicant record the decision of the Zoning Board of Review prior to recording the approved final subdivision plan.**

**Motion by Ms. Owen, seconded by Mr. Forgue, to grant final subdivision plan approval subject to the following conditions:**

- 1. Certification from the tax collector indicating that taxes on the subject property are current must be provided.**
- 2. Certification by the surveyor that the plan conforms to a class 1 survey must be provided.**
- 3. Property lines, zoning district, and ownership of properties across West Main Rd. from the subject property must be provided on the plan.**
- 4. Location of any existing and proposed utility and access easements must be shown on the plan.**
- 5. Location of existing and proposed utilities must be shown in plan. Specifically, the location of the water and sewer/septic system serving proposed Parcel B, and the water service to Parcel A should be shown on the plan.**
- 6. The decision of the Zoning Board of Review granting necessary relief to allow for the creation of the proposed lots must be recorded prior to the recording of the subdivision plan.**

**Vote: 7-0-0.**

**2. Public Hearing – Proposed amendments to the Middletown Rules & Regulations Regarding the Subdivision and Development of Land: Amend Article 6 to add regulations regarding gated communities; and amend Article 7 regarding performance standards**

**Mr. Weber described the requested amendments.**

**The Board first addressed the request of the Fire Department regarding access gates to developments.**

**Mr. Wolanski stated that he added a section to article 6 in the Regulations to insert standards for access gates proposed as part of new developments.**

**The hearing was opened for public comments. There was no one in the audience wishing to speak on the proposed amendments to article 6.**

**Motion by Ms. Rearick, seconded by Mr. Forgue, to approve the proposed amendments to Article 6 and forward them to the Town Council for ratification.**

**There was discussion of the proposed amendments to article 7 regarding performance security.**

**Mr. Weber stated that he understood concern raised by the assistant solicitor regarding the current requirement for notice to the abutters and the Roads & Utilities Advisory committee prior to final release. However, the Board the Town Council have previously expressed the need for notice to ensure that interested parties are aware of a pending release of performance security.**

**Mr. Wolanski stated that the required notice would not add to the process from the perspective of the developer.**

**There was discussion of the desirability of having the Town Engineer receive input prior to the issuance of the certification of completion.**

**Mr. Wolanski stated that the Town Engineer will normally consult with the DPW Director and the Roads & Utility committee prior to certifying**

completion. Also, if the Board receives new information as part of its review, the matter could be referred back to the Town Engineer for further review.

Mr. Holbrook concurred that the notification requirement appears to not be an issue regarding state law.

Peter Gallipeau, a resident of Middletown, stated that the proposed amendments address his primary concern regarding the time needed prior to approval of release of performance security. However he stated that the current provisions of section 703.7 regarding release of the performance security appear problematic. The section should specify that the Town Engineer inspect the improvements prior to the expiration of the 1-year maintenance bond.

Mr. Wolanski stated that he would work with the Town Solicitor on potential revisions to section 703.7.

Motion by Ms. Owen, seconded by Ms. Rearick, to continue the matter to the October 8, 2008 Planning board meeting. Vote: 7-0-0.

3. Request of the Town Council for an advisory recommendation on a proposal to amend the Middletown Zoning Ordinance Section 603 regarding dimensional regulations in the Office Park (OP) zoning district.

Mr. Weber stated that the Board had received a letter from Attorney David Martland requesting that the matter be continued in order to allow his clients an opportunity to review the results of the PARE Corp. study. Mr. Weber suggested that a special meeting should be held in order to allow for a presentation of the study by the consultant and for discussion.

**Motion by Ms. Rearick, seconded by Ms. Owen, to continue this matter to the October 8, 2008 regular planning board meeting, with a special meeting with PARE Corp. to be held on October 2, 2008 at 6pm. Vote: 7-0-0.**

**Mr. Martland asked if the Board would still be seeking a recommendation from the Middletown Economic Development Advisory Committee.**

**Mr. Weber stated that the MEDAC members would be invited to attend the October 2nd meeting to offer comments.**

**4. Discuss revised draft Zoning Ordinance amendment relating to wind energy conversion facilities**

**Mr. Wolanski stated that he had provided a revised draft of the proposed ordinance in the Planning Board's packets. The Town Solicitor has since provided additional comments that can be addressed in the next draft.**

**After some discussion, the Board determined that the final draft, including the Town Solicitor's comments should be reviewed before forwarding the draft to the Town Council for consideration. Some members also indicated that they would be attending a seminar on alternative energy on September 20th.**

**Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the matter to the October 8, 2008 Planning Board meeting. Vote: 7-0-0.**

**5. Discussion possible Comprehensive Plan, Future Land Use Plan amendment. Former Navy Lodge parcel, northwest corner intersection of Coddington Highway & West Main Rd**

**Mr. Weber stated that the Board had received a memo from the Town**

**Administrator requesting that the Board delay action on the proposal due to the anticipated planning process that must occur as result of the expected surplussing of the subject parcel as part of BRAC 2005. Motion by Ms. Owen, seconded by Ms. Rearick, to table this discussion. Vote: 7-0-0.**

**6. Request of the Town Council for an advisory recommendation on a proposal to amend the Middletown Zoning Ordinance, Section 602, Table 6-2 schedule of uses, regarding two-family dwellings.**

**Mr. Weber stated that the Planning Department had conducted an analysis of the proposal, which indicated that a substantial increase in residential density in the subject zoning districts (R-30, R-40, and R-60) could result if duplexes were to be allowed. He referenced language in the Land Use element of the Middletown Comprehensive Community Plan which indicates that appropriate uses in low-density residential areas include single-family dwellings. The proposal would not be consistent with provisions of the Comprehensive Plan.**

**Other members of the Board agreed that allowing duplexes in the subject areas would not be consistent with the low-density designation.**

**Motion by Mr. Adams, seconded by Ms. Rearick, to recommend to the Town Council that the proposed amendment not be adopted due to it being inconsistent with the Comprehensive Community Plan. Vote: 7-0-0.**

**7. Consideration of proposed amendment to Section 602, Table 6-1 (Use Table), of the Middletown Zoning Ordinance regarding “Church or other place of worship”.**

**Mr. Holbrook stated that he had discussed this matter with Roland Chase of his office. The current provision in the Middletown Zoning Ordinance which prohibits churches in the LB and OB zoning districts would be inconsistent with federal law, which requires that churches be treated the same as similar uses, such as clubs. Clubs are allowed in the LB and OB districts by Special Use Permit. Their recommendation is that the Zoning Ordinance be amended to allow churches in the LB and OB consistent with the requirements in place for clubs.**

**There was discussion of whether to allow churches by right or by special use permit.**

**Mr. Wolanski stated that the regulations for churches could be less restrictive if the Board wishes to allow churches by right as is the case in the residential districts.**

**The consensus of the Board was to require a special use permit in the LB and OB districts to allow for additional oversight.**

**Motion by Mr. Adams, seconded by Mr. Eckhart, to recommend to the Town Council that the Middletown Zoning Ordinance be amended to allow for the development of Churches and other houses of worship on the LB and OB zoning districts by special use permit. Vote: 7-0-0.**

**8. Discuss process for Comprehensive Community Plan 5-year update**

**Mr. Weber stated that the Planning Department has begun work to identify priority areas in the Comprehensive Plan.**

**Mr. Wolanski suggest that Board members begin reviewing the Land Use element of the plan as it is likely to require significant revisions**

as part of the update.

By consensus this matter was continued to the October 8, 2008 meeting.

#### **9. Review revised draft Inclusionary Housing ordinance**

Mr. Wolanski stated that he had provided a revised draft of the ordinance to implement a more incentive-based approach to the program. The Board should review the revisions, and may wish to refer the draft to the Town Solicitor for review prior to proceeding.

By consensus the draft was referred to the Solicitor for review and the matter was continued to the October 8, 2008 Planning Board meeting.

#### **New Business**

##### **Other new business**

A. Ms. Rearick expressed concern over the height of the new Child & Family Services building as viewed from Valley Rd. She stated that the regulation regarding the measurement of height may have to be amended to allow for more control.

Mr. Wolanski stated that currently building height is determined at the front of the building. The front of the subject building is considered to be on the John Clarke Rd. side and therefore the height on the Valley Rd. side was not considered. There are various options for measuring height.

The Board requested that Mr. Wolanski research alternatives for building height measurement and report back at the October 8, 2008 meeting.

B. Ms. Owen stated that the Board has been invited to tour the new

**Potter League building on Oliphant Lane. Individual members can call the Potter League the schedule time to view the building.**

**C. Mr. Adams stated that he had attended the Southern New England Regional Planning Conference in Providence the prior week. He found it informative and recommended that members try to attend future conferences.**

**Motion by Ms. Owen, seconded by Mr. Adams, to adjourn. Vote: 7-0-0**

**The meeting adjourned at 7:45pm**